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JAPAN AND AMERICA
SECOND SERIES

JAPANESE IN CALIFORNIA

STATEMENT

OF

HON. JAMES D. PHELAN

OF CALIFORNIA

BEFORE THE

COMMITTEE ON IMMIGRATION AND
NATURALIZATION

HOUSE OF REPRESENTATIVES

FRIDAY, JUNE 20, 1919



WASHINGTON
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COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Friday, June 20, 1919.

The committee met at 10 o'clock a. m., Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. Gentlemen, we are honored this morning with the presence of Senator Phelan, who desires to be heard on the subjects we have been discussing for the last few days. Senator, the committee will be glad to hear from you.

STATEMENT OF HON. JAMES D. PHELAN, A SENATOR FROM THE STATE OF CALIFORNIA.

Senator PHELAN. Mr. Chairman, I thank the committee for this opportunity. I had heard that Dr. Gulick, who is the proponent of a plan by which a certain percentage of the nationals of the various countries may be admitted to the United States, has made a statement before you. I have been so busy that I have been unable to follow in detail the testimony, but the doctor has spoken and written on the subject so much that I have the general idea that he desires to admit a certain number of nationals based on the number of the people of that particular nationality who are in the country at the present time, and I can only see in his plan a desire by that means of admitting Japanese and other orientals where now the law bars them; and I am very strongly of opinion that the bar should not be let down.

Of course, you gentlemen are familiar with the condition at the present time. The immigration law gives us a certain degree of protection. The Chinese-exclusion law gives us absolute protection from the Chinese, and the gentlemen's agreement is supposed to give us protection from the Japanese. Very little is said about the gentlemen's agreement because we have been overawed constantly by the supersensitiveness of the Japanese, who are always described as a proud people and who are seeking racial equality. Hence, there has been a certain subservience on the part of the administration, both the present administration and other administrations, in a diplomatic way, to avoid any conflict or any irritation. A very desirable thing to do when your life is not at stake, but you do not put on soft gloves with a man who is making an assault upon you. If you consider that he is endangering your life, you are very apt to treat him not in a diplomatic way, where diplomacy will not serve, but in a forcible way, and hence I have very little sympathy with the manner in which we have approached the subject, but I can understand the reasons for it.

The Japanese came out of their wars in Asia as great fighting men, and they were always considered a menace to the west coast of the United States and the islands of the Pacific; and when we came out of the war as great fighting men the situation changed, and there was less need of that careful diplomacy. If we had a statement to make we were free to make it, because we had behind us a very powerful Army and a very powerful fleet, and there is no use of mincing things. A man who is able to enforce his will is much better entitled to a hearing in the court of nations than a man who is impotent and powerless, or believes himself to be impotent and powerless, as the American people to a great extent believed themselves to be noncombatant before we demonstrated to the world our extraordinary ability in men and resources to fight battles.

So I think we can now talk on this subject in a perfectly free way, whereas during the last three years and during the pendency of the war I have felt a certain restraint; and although I saw the danger in the encroachment upon my State, I did not make any loud protest, because we were associated with Japan, among the other powers, in making a war against a common enemy.

I just want to clear the atmosphere and say that there ought to be plain talking at this time. There is no need of giving offense. I was asked the other day to give an interview to two or three leading papers in Japan by their correspondent here and I gave it to him, and he said I could release it in 48 hours, so far as he was concerned, as he was going to cable it to Tokyo, and I would be very glad to give it to the committee for its record. I will not take your time in reading it.

The CHAIRMAN. Without objection, the statement will be placed in the record.

(The interview referred to follows:)

INTERVIEW BY UNITED STATES SENATOR JAMES D. PHELAN, OF CALIFORNIA.

[Cabled by request to the Tokyo Nichi Nichi and Osaki Nainichi.]

I am glad to have this opportunity to explain to the people of Japan the California attitude toward them, which necessarily must be the national attitude. There should be no misunderstanding, because misunderstandings breed trouble. Great numbers of Japanese, men and women, are in California, and are acquiring large tracts of agricultural land. The State law forbids ownership, but they take it in the name of their children born on the soil, in the name of the corporations, and so circumvent the intent of the law. They also lease lands and work for a share of the crop, and when thus working for themselves are impossible competitors, and drive the white settlers, whose standards of living are different, from their farms. The white farmer is not free from cupidity when tempted by Japanese to sell out at high prices, and they do sell out and disappear. The State, therefore, is obliged as a simple matter of self-preservation to prevent the Japanese from absorbing the soil, because the future of the white race, American institutions, and western civilization are put in peril. The Japanese do not assimilate with our people and make a homogeneous population, and hence they can not be naturalized and admitted to citizenship. Therefore, the question is principally economic and partly racial. Japan herself excluded Chinese in order to preserve her own people, and that is what California, Australia, and Canada are doing. Japanese statesmen must surely, for these reasons, acquit Americans of race prejudice. We are willing to receive diplomats, scholars, and travelers from Japan on terms of equality, but we do not want her laborers. We admire their industry and cleverness, but for that very reason, being a masterful people, they are more dangerous. They are not content to work for wages, as the Chinese, who are excluded, but are always seeking control of the farm and the crop.

Immigration and naturalization are domestic questions, and no people can come to the United States except upon our own terms. We must preserve the soil for the Caucasian race. The Japanese, by crowding out our population, produce disorder and bolshevism among our own people, who properly look to our Government to protect them against the destructive competition. California, by acting in time, before the evil becomes even greater, expects to prevent conflict and to maintain good relations with the Japanese Government.

The American Government rests upon the free choice of the people, and a large majority of the people are engaged in farming pursuits. They form the backbone of every country—the repository of morals, patriotism, and thrift, and in time of their country's danger spring to its defense. They represent its prosperity in peace and its security in war. The soil can not be taken from them. Their standards of living can not suffer deterioration. Their presence is essential to the life of the State. I therefore urge the Japanese Government and people to put themselves in our place and to acquit us of any other purpose in the exclusion of oriental immigration than the preservation of our national life and the happiness and prosperity of men and women who founded the Republic, who have developed its resources, and who occupy the land. It is theirs in trust for their posterity.

The people of Asia have a destiny of their own. We shall aid them by instruction and example, but we can not suffer them to overwhelm the civilization which has been established by pioneers and patriots and which we are dutifully bound to preserve.

Senator PHELAN. The immigration laws are working out and the gentlemen's agreement is not serving the full purpose by any means for which it was intended.

I have before me here the report of the Commissioner General of Immigration of 1908, page 125, chapter 4, "Japanese immigration," and I understand this is the only printed reference in a book which is now out of print, to the so-called gentlemen's agreement, and the purpose which it was intended to serve.

I am at a loss, Mr. Chairman, to know exactly how far you have gone into this matter, and I do not know whether I should refresh your recollection by reading this.

The CHAIRMAN. We have not heard that read.

Senator PHELAN (reading):

To section 1 of the immigration act approved February 20, 1907, a proviso was attached reading as follows:

"That whenever the President shall be satisfied that passports issued by any foreign Government to its citizens to go to any other country than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other territory or from such insular possessions or from the Canal Zone."

The following is the comment of the commissioner general:

This legislation was the result of a growing alarm, particularly on the Pacific coast and in States adjacent to Canada and Mexico, that labor conditions would be seriously affected by a continuation of the then existing rate of increase in admissions to this country of Japanese of the laboring classes.

Mark you, this was in 1907:

The Japanese Government had always maintained a policy opposed to the emigration to continental United States of its subjects belonging to such classes; but it had found that passports granted by said Government to such subjects entitling them to proceed to Hawaii or to Canada or Mexico were being used to evade the said policy and gain entry to continental United States. On the basis of the above-quoted provision, the President, on March 14, 1907, issued a proclamation excluding from continental United States "Japanese or Korean laborers,

skilled or unskilled, who have received passports to go to Mexico, Canada, or Hawaii, and come therefrom" (Department Circular No. 147, dated Mar. 26, 1907), which has been continued in force as rule 21 of the Immigration Regulations of July 1, 1907, outlined the policy and procedure to be followed by the immigration officials in giving effect to the law and proclamation.

In order that the best results might follow from an enforcement of the regulations, an understanding was reached with Japan that the existing policy of discouraging the emigration of its subjects of the laboring classes to continental United States should be continued and should, by cooperation of the Governments, be made as effective as possible. This understanding contemplates that the Japanese Government shall issue passports to continental United States only to such of its subjects as are nonlaborers or are laborers who, in coming to the continent, seek to resume a formerly acquired domicile, to join a parent, wife, or children residing there, or to assume active control of an already possessed interest in a farming enterprise in this country; so that the three classes of laborers entitled to receive passports have come to be designated "former residents," "parents, wives, or children of residents," and "settled agriculturists." With respect to Hawaii, the Japanese Government of its own volition states that, experimentally at least, the issuance of passports to members of the laboring classes proceeding thence would be limited to "former residents" and "parents, wives, or children of residents." The said Government has also been exercising a careful supervision over the subject of the emigration of its laboring class to foreign contiguous territory.

It will be seen, therefore, that the report for the past fiscal year covers a novel phase of the immigration question, viz, the exclusion from the continental portion of this country of certain classes of aliens, such exclusion being based in part upon the provision of law mentioned, but principally upon the mutual understanding of the two countries affected, and to be brought about largely by said two countries uniting upon a policy, agreed by both to be necessary and desirable, one of the countries exercising control over the departure and the other over the admissions of the persons whose emigration and immigration it is desired mutually to control. It is believed that the tables and comments furnished constitute a striking illustration of what far-reaching and desirable results may be expected to ensue when two equally interested countries cooperate in good faith toward their accomplishment. All that is necessary is that there shall exist a clear conception of the object sought by each country, a working understanding of the field to be covered and the administrative details to be carried out, and general good faith upon the part of all concerned.

That is the gentlemen's agreement which Dr. Gulick's plan seeks to break down. If it is true that Japan sincerely desires to keep men of the laboring classes at home, then there is no—

Mr. WELTY (interposing). Let me ask you right here, did you read the gentlemen's agreement which was promulgated by the President?

Senator PHELAN. The gentlemen's agreement has been something which nobody could put their hands on, and I stated this is the nearest expression in any public writing of the gentlemen's agreement. You will see that it avers here that the Japanese Government desires to keep its laborers out, and the United States desires to see that they are kept out, and that on that basis the Governments came together, and that constitutes the gentlemen's agreement of 1907.

Mr. RAKER. That was a verbal agreement, and this is the interpretation of it?

Senator PHELAN. It was a verbal agreement and this is the only written interpretation I know. It was after the school incident in California that President Roosevelt, I think, became greatly alarmed of the aggressive aspect of Japan, for whose fighting men he had very great respect, and he knew that our coast was not defended. So he summoned to Washington several California officials and they agreed to oblige him, in view of the serious condition which he described, to let the school question go by the board. There was an

attempt to segregate the Japanese from the whites, and that is a very serious condition to-day.

The matter came up in the last session of the California Legislature. A bill was introduced for the purpose. Where there was not sufficient room for both, boards of education were authorized to erect a school especially for orientals, and there was another outcry about that. As I recall, it passed the assembly and it was throttled in the senate by the governor and his friends, who were desirous of keeping down any Japanese agitation at that time, on the alleged ground that it would interfere with the peace negotiations in Paris.

So, because California receded from its position on the school question in 1907, the Japanese, through President Roosevelt, came to this agreement, that rather than suffer the humiliation of having the United States exclude them by law, they would exclude themselves. They would issue no passports except to certain designated classes. There would be students and diplomats and travelers and merchants and Japanese who had returned to Japan and had an interest in this country in land or who had wives or children here.

Mr. RAKER. Senator, the same question came, again, from the National Government here at Washington to the legislature and to the governor of California to throttle this legislation, did it not?

Senator PHELAN. That was subsequently.

Mr. RAKER. I mean at this last session of the legislature, was not the same effort made by the National Government?

Senator PHELAN. An extraordinary situation occurred. The leaders of the senate of the California Legislature feigned alarm. I appeared before the body and made an address at a joint session, and subsequently one of their members, Senator Inman, who is a very sincere opponent to the Japanese encroachments in California, introduced bills. Under the law there, at this period, he could not introduce a bill without two-thirds consent, and they held the thing up for days, the governor advising against any action; and finally, they passed a resolution asking the Secretary of State, then in Paris, whether it would be prudent at this time to pass such legislation, and they got the answer they expected—that it would not be prudent at this time to pass such legislation, because on the other side of the table in Paris, and negotiating on matters of much greater importance, were the Japanese. So when the California Legislature abdicated in favor of President Wilson and Secretary Lansing, the Japanese might well say to the President and Mr. Lansing, "It is up to you. Are you going to countenance this discriminatory legislation in California?" and they were fighting the Japanese demand for racial equality and free immigration at Paris. Notwithstanding the expressed views of President Wilson on this great subject, which I have here, it was a diplomatic move to say that at this time action would probably be imprudent. The legislature took that view and refused two-thirds consent to Senator Inman to even present his bill; but a resolution had been passed prior to this asking the Paris conference to deny racial equality and free immigration.

There is no question at all in my mind—absolutely no question—as to the feeling of the people of the State of California on this subject; but, as I say, they have been overawed, or, in the language of the street, they have been "buffaloed" by the Japanese Government,

through its numerous agents and representatives in this country, and by the administration itself on various occasions, warning them of the danger of legislating for their own preservation.

When President Roosevelt interfered there was a protest against Federal interference. When, under Senator (then Governor) Johnson's administration, the land question came up and we passed a law forbidding the ownership of land by aliens ineligible to citizenship, the same protest, prior to that legislation, came out from Washington, and Mr. Bryan personally visited Sacramento, and we all protested that the Federal Government should not take a hand. I was intimately associated then with this work and was in Sacramento when Mr. Bryan arrived there and met him at the governor's house, and his principal concern was to draft a law in such language, dulcet and sweet, that it would give no offense to the Japanese. The right of the State was not questioned. So the Japanese were not mentioned by name, you will recall, only aliens ineligible to citizenship were barred from owning land. Now, the California Legislature this year, instead of resenting Federal interference, as they formerly did, invite Federal interference, and appeal to the President and to Secretary Lansing to stop them; in other words, from passing laws in the interest of the people of the State, and, I think, they will be held accountable for that evasion of their duty. If the legislature acted it would have helped the President. But that does not go to the essence of the question at all except to show historically the attitude of the State of California.

Japan, by this gentlemen's agreement, as I have explained, has undertaken to keep the undesirable laborers out of this country. Well, they are coming into this country. There is a very great increase in the number of Japanese coming into continental United States, and I think it will be so determined by the next census. They come over the border. They have arrested as many as 40 in one day without passports coming over the border and deported them. I was down on the border at Mexicali and at Andrade in the last four weeks and had the personal testimony of the immigration officials and of the customs officials at those points. However, it is a matter of public record that they are arresting Japanese coming over the border all the time. There is a great Japanese fishing fleet which comes daily into San Diego and to Los Angeles Harbors. They have concessions on the Mexican coast, and these are seagoing boats, and probably go out 50 miles under motor, and they are suspected of having brought in Japanese. I accused the Japanese consul in Los Angeles with having connived at this infraction of the gentlemen's agreement, the admission of Japanese into continental United States through Mexico without passports, and he denied it; but I was able to verify it through the official records of the department.

It seems that during the war ships from Japan carrying large numbers of Japanese would lay off to Los Angeles Harbor on the way to Mexico or South America. The regulations were very strict and the customs officials would not permit anybody to board those steamers. but the Japanese consul came to the customs officials and said, "I have six or seven men I want to go on board, and I will vouch that they will not in any way trespass upon the laws of the United States, and that it is merely to give a welcome or to meet relatives on board

and greet them on the part of these Japanese." So he certified to the good faith of the Japanese who went on board, and then the collector discovered that they were given maps and information and money to facilitate their entrance into the United States by way of Mexico, where they were landed. So that work is going on all the time, and our border is inadequately protected because the immigration officials tell me they have not sufficient appropriation to police that extensive border, both north and south of us. Of course they have not. It is a very extensive border, and I should think it would be a very easy matter to get over the border unless it were thoroughly guarded. They come down from British Columbia into the United States. I have not examined that part of it because my concern was all with California. So they are spread all over California and ultimately all over the United States.

There is another way that the Japanese gentlemen's agreement is being evaded, and that is by the shipment of picture brides into this country. Under the agreement the wife of a man may come in. So it is necessary, therefore, in order to get the woman in, to make a wife of her, and they exchange photographs, and although the contracting parties have never seen each other, on the other side of the greatest ocean in the world, each of them, still the woman comes in and claims to be a wife, and because Japan certifies that she is a wife, the immigration officials have to admit her.

What is the object of this? It is twofold, as I see it. The woman coming in and taking up the duties of wifehood becomes a mother in due course, and a child born upon the soil is entitled to own land; and as a matter of fact the Japanese are now in the names of their minor children taking agricultural land for which they are by the law denied the privilege of ownership—a clear evasion of the law—and then the Japanese himself, in contempt of our law, enters upon the land and becomes a competitor with the white people. These women are not only wives but they are laborers. I have photographs in my office and I have seen with my own eyes these women side by side with the men doing exactly the same work over a period of the same hours up to the very period, almost, of bearing a child, and when the child is born, they go back to work with the child strapped like a papoose upon their backs, and they are laborers just as much as the men are laborers. So they accomplish the dual purpose of defeating the law by getting in actual laborers and in defeating the land law by getting in by the birth route persons eligible to hold land.

Why is Japan so much interested in sending its people to California? Here is a profession in this gentleman's agreement that they desire to keep their people at home. There is no such desire. It is just as helpful to Japan to have California peopled under our flag by her nationals as it would be for Japan to hold California as a tributary colony, because all the money these people make—and they have made vast sums of money, especially during the war period, and they are making money all the time—goes to Japan. They control many of our crops. That money does not circulate among the various trades and industries percolating back to its original source and like the circulating fluid in the human body giving nourishment and health wherever it goes, but it goes from the

Japanese producer who takes it out of the soil to the Japanese middleman, to the Japanese storekeeper, to the Japanese banker, and thence back to Japan. You can trace it from one stage to another; and hence all that wonderful production we hear of in California is not distributed among the people of California. It is largely confined to the Japanese.

For instance, the Japanese control the potato crop and the berry crop. They control a very large part of the fruit, bean, tomato, and garden truck crop, and I was told that in the city of Los Angeles—the name of the man was given to me but I do not recall—there is a man who controls the berry crop. He sits in his office at a telephone and dictates to the suburban towns through the several dealers there what price they shall charge for a box of strawberries on that day. In some towns it will be 12 cents and in others 15 cents or 18 cents, or 20 cents, depending upon the local supply and demand. The potato king is a well-known figure in California and controls the potato crop.

MR. THOMPSON. Are both of those people Japanese?

SENATOR PHELAN. Yes. So the question is very serious economically to any State wherever they may see fit to find lodgment. Where the States have cold, winter weather, and inhospitable climates, they do not go; but California is ideal in the fertility of the soil and in the character of the climate for the Japanese, and hence it is an exposed territory and the whole question for public action here in Congress centers upon California, and it is there that you must go to seek your information, because there is where Japan is trying the experiment and trying the indulgence of the United States, and if the protest does not come from there you will find the other Pacific States peopled very soon by as large a number proportionately. There are a great many there now, already, and finally they work back through the southern and eastern States wherever they can find lodgment. I was surprised to see that in the State of Colorado, which is a very fine State, too, I know people go there for their health, consumptives, tubercular patients, and while I do not know it very well myself, it must have a fine and equable climate, and there the Japanese have made a stand and a bill was introduced in the legislature denying them the ownership of land at the last session of the legislature; and I have the testimony here which I could exhibit to you of the Japanese newspapers reporting the great alarm that was sent out by the Japanese associations, that they were sleeping at their posts, that they had allowed the legislature to introduce this hostile legislation and to get busy. It passed the house, and they got busy and the Japanese association stopped it in the senate of Colorado, and they will always do it unless there is somebody to take up a positive, aggressive opposition against them. The legislatures are poor bodies, after all. As a woman suffragist told me, you can pussyfoot anything through the legislatures, and that is why there is a strong movement, so solemn is the obligation we assume, to require the ratification of constitutional amendments by referendum.

MR. SABATH. You have reference to State legislatures?

SENATOR PHELAN. Oh, wholly and exclusively. So the Colorado Legislature through its senate rejected a bill which certainly should

have been passed if they knew the menace of the Japanese. There is no reason why land legislation should not be passed because Japan, as you know, forbids ownership of her soil by foreigners, and she has denied the admission of Chinese into Japan now, adopting our policy, if you please, with respect to protection of our own people. She does not want the Japanese, who is getting a dollar a day there in industrial enterprises, to enter into competition with the Chinese, who will accept 15 cents or 20 cents a day. So the other day they shipped back to China 200 Chinese who were smuggled into their country. So Japan can not, with clean hands, make any protest whatever against any law you pass that looks to the exclusion of Japanese on economic grounds. They have established the principle themselves.

I have here the number of these picture brides that are coming into the United States. I will give you the aggregate: From 1915 to 1919, the United States, mainland, 13,913; in Hawaii, 6,864; total for the United States, 20,877.

The shiploads that are coming in—I call them shiploads, but I mean the number of brides who are coming in on the frequently arriving ships in San Francisco are progressively increasing all the time, and the Japanese press exhorts them—"Now, hurry up while the running is good." They fear there will be some restriction, and they are rushing over the border and through the ports where that is permissible, as in the case of these picture brides, their men and their women.

Mr. RAKER. That means, Senator, does it not, that within a year after their arrival there is a native Japanese born who can obtain title to real estate, and they are immediately conveying real estate to those infant children almost as fast as they are born?

Senator PHELAN. Yes.

The CHAIRMAN. Senator, you are familiar with the charge that is made that the Japanese babies born in the United States are frequently sent back to Japan to be brought to young manhood because they can be raised there so much cheaper than in the United States?

Senator PHELAN. Oh, yes; and there is no way of identifying these children. I believe they are very particular now in bringing them to the county clerks and other officials to have their birth registered. Of course, if a child dies—and there is a tremendous infant mortality among them and among all children—they could easily substitute another child. Their object is to get Japanese born upon the soil, and our officials tell us there is no way of getting a close record and no way of following the child through his young life and to identify him later as the same child that was registered. The Japanese have a much more nearly perfect registration than our own, but that is not available to us. In the Hawaiian Islands, when I was down there two years ago, the public officials threw up their hands and said: "We have no means of ascertaining the number of births here," but the Japanese consul has, and that is another point—they owe allegiance to the Japanese consul. The consul is their man and not the county clerk or the mayor of the city or the governor of the State, or the President of the Union. Their allegiance is to the Mikado, and that vast number of Japanese on the western coast now would rise as a man in case of conflict between the

United States and Japan in support of the demands of their country, wherever they may be. They are so wedded to it and dislike the United States. There is unquestionable evidence that they have a racial loathing for the people of the United States, and it is not only an economic question, therefore, but it is a military question. In case of a conflict with Japan we would have to meet, not only a frontal attack but a rear attack, and hence the necessity of keeping ourselves prepared where we have such a large body of aliens notoriously hostile and who are still controlled by their national officers in the United States. Their consuls are the people to whom they look. They are not assimilated and they can not be assimilated, certainly not physically, and it would be after a great many generations, and perhaps hundreds of years, before they could be assimilated civilly, so that they could take up our burdens and live side by side with us on terms of social equality.

Mr. KLECZKA. Under the California law can a minor hold real estate in its own name?

Senator PHELAN. By guardian.

Mr. KLECZKA. And the transfers are made by guardians?

Senator PHELAN. Yes.

Mr. THOMPSON. Senator, you spoke about their giving birth to children within a year after their arrival. How prolific are they in the production of children?

Senator PHELAN. The Japanese are a very prolific race. Dr. Pomeroy, health officer, Los Angeles, Calif., reported last month that one-third of the births outside incorporated cities of his county were Japanese, as follows: White, 48 per cent; Japanese, 33.4 per cent; Mexican, 18.2 per cent; Chinese, 1 per cent; Negro, 3 per cent. I have here also the report of the bureau of vital statistics of the State Board of Health of the State of California, and I will read it to you. This is a table of births classified by sex and race and naming each county in the State:

Births, 52,230 babies in 1917, including 27,888 boys and 25,342 girls, while of the 50,638 in 1916 the males were 26,000 and the females 24,000. This is what will interest you. The race distribution of births in 1917 was: White, 37,313; Japanese, 4,108; Chinese, 419; Negro, 328; and Indian, 62. The figures for 1916—this is a comparison—white, 46,272; Japanese, 3,721, etc.

The percentage of white births during the 12 years has decreased thus: In 1906 it was 98.4; then it goes on year by year—the next year, 1907, 1908, etc.—until finally in 1907 it was 90.6. There was a decrease of 8 per cent in the white births during that period. While there was a decrease in the population of white babies, there was a marked increase in Japanese birth registrations, as follows:

From 1906, the same period, until 1917, as follows: 134, 221, 455, 682, 719, 995, 1,467, 2,215, 2,874, 3,342, 3,721, and 4,108. In less than 10 years there was an increase of 3,000 per cent.

Mr. SIEGEL. According to that, there has been a decrease in the white children born of about 10 per cent.

Senator PHELAN. Yes; that is the comparison between the white and the Japanese. The white is going down, while the Japanese is going up with a portentous rapidity.

Mr. SIEGEL. May I ask whether these guardians in the transfers you refer to are American citizens?

Senator PHELAN. Not necessarily. A Japanese father in Riverside, where a test case was made, was a Japanese and himself ineligible, and he took the land in the name of his child. It went to the court and turned off on a demurrer. It was not a square decision, but the court said that it saw no evidence on the part of the Japanese to evade the law, and as there was no willful violation it good naturedly let it go, and on the authority of that decision they have, right and left, gone through the State taking lands in the name of children.

Mr. SIEGEL. Does not the statute provide that the guardian must be a citizen?

Senator PHELAN. I am not advised on that point. Possibly it may, but the parent is always regarded as the natural guardian, unless there is some disqualification.

Mr. SIEGEL. The procedure, of course, is to apply to the court, I assume, to have the property sold, and really the courts themselves have got the remedy, it seems to me, by requiring the guardian to be a citizen. Of course I am frank in saying that I do not know the law of California, but I know what our procedure is in New York and in the Eastern States.

Senator PHELAN. I do not know whether an alien is disqualified from acting as guardian of his own child or not.

Mr. RAKER. There would not be any question of sale. The court would have no jurisdiction of sale unless it was necessary to provide for the infant. If the expenses are all paid, it is the duty of the guardian to hold the real estate until the child becomes of age.

Mr. THOMPSON. It is not a question of sale; it is a question of purchase. If the parent furnishes the money to purchase, there is nothing in the law of California, as I recall, because our statute in Oklahoma is taken from the California statute, that prohibits an infant from holding title to real estate.

Mr. RAKER. Surely not.

Mr. THOMPSON. Real estate can be directly ceded to the infant. Of course it is managed by a guardian.

Senator PHELAN. Yes; then the court appoints a guardian.

Mr. THOMPSON. There is nothing, as I understand, in the law of California or of any other State, or in my State, at least, that requires a legal guardian, if the question is not raised, to manage the land. The parent is the natural guardian under the law and can handle it in that way.

Senator PHELAN. That is the practice there, however.

There is another favorite way of evading the statute, and that is by organizing corporations under our lax corporation law, which I also sought to have amended by the last session of the legislature. It provides that aliens, if in the minority of persons and stock, can organize a corporation, and hence they get 45 per cent aliens and 55 per cent citizens. Now, those citizens who serve to make up the corporation are either native Japanese who are friends of the organizer or they are white who lend their names as dummies. Those corporations are being formed very generally. I have the statistics of them from the Secretary of State's office, and it is an alarming situation. Notwithstanding the expressed will of the people seeking

to deny these aliens the ownership of the soil, they are losing the soil by these subterfuges and technical evasions, and the only thing to do is to so amend the corporation law that they can not use the forming of a corporation for the purpose of evading the statute, and that would be very easy if the legislative branch would only act.

Then, when they can not buy, they lease. I want you to understand that the Japanese have no disposition to work for wages and their competition is deadly when they work for themselves, because then they work excessive hours—18 or 20 hours a day. They are tireless workers and persevering and clever agriculturists. They know how to get the last penny out of the soil; but in working for wages they are not inclined to do that for the benefit of their employer, and if they work for wages there would not be possible the same unanimity of sentiment in California, because the labor problem is always a problem. But they buy the land or lease the land, and under our statute they can lease land for three years. That should be repealed. They can lease for a share of the crop, and under those conditions they work incessantly, and their competition is such that no white man maintaining American standards can meet it. What is the consequence? The white farmer is asked for his land, and he says, "I will put such a price on it," and they take it. "How much will you lease your land for?" "So much an acre." "I will take it." They pay extraordinary rents.

I am cultivating rice in central California. My neighbor is a Japanese. He has leased from a farmer there 1,000 acres of land, for which he pays, I think, \$40 an acre a year cash in advance, and he offered my superintendent \$45 an acre for my land adjoining. It was reported to me. He had accumulated a great fortune paying those very unusual rents. He also owns 1,400 acres in fee simple.

I made a tour in the San Joaquin Valley during the recess, and I found that Tom Brown's farm and John Brown's farm and old man Kelly's farm had all been turned over on favorable terms and the Browns and the Kellys had moved out of the community and gone with their children to live in the city, enjoying comparative opulence, because the rents paid by the Japanese are highly desirable for Brown and Kelly; but what becomes of California in a generation or two generations, when the rural population will all be aliens incapable of maintaining American institutions or understanding them and ready to take up arms against American institutions should ever the appeal be made. What would be the value of a State that was peopled by an oriental colony, just as Hawaii is peopled now, where there are probably 110,000 Japanese and probably 12,000 Americans. The flag is there and that is the only thing that is American about it.

I will pledge myself that the State when thoroughly aroused will demand this legislation of its legislature. I have appealed to the governor to call an extra session in connection with the ratification of the woman's suffrage amendment, because I feel that every day is a day lost, and I want to check the cupidity of our own farmers who will lease and who will sell. Three of them came into a lawyer's office in Chico, I am told, the other day, and said, "Give me a lease for three years and give my cousin a lease upon the expiration of that time for three years, and upon the expiration of that give my uncle a lease for three years." So the leasing privilege which they

are enjoying is tantamount, almost, to ownership. So, on account of the very large number of Japanese, this has become a State-wide problem of the most serious importance. Of course, nobody will go into California under those conditions—a State we are very proud of. We look for eastern immigration all the time, and our boards of trade and chambers of commerce advertise, and yet a gentleman told me the other day that down in Louisiana his brother sold a farm for \$20,000 and thought of coming out to California until he heard of the Japanese question. Of course, he would not go then. He was not going to bring his family out there and compete with men without education, with no churches to support, and with none of the qualifications or standards of a civilized people to maintain.

I met a man at a place called Keys, I believe, in Madera County. He was there with a beautiful little child, and as I motored through and stopped to get a cigar there was nothing but broad acres about, and I said, "What are you doing here?" "I just came in to chat with the storekeeper, a white man and his wife." "Where do you come from?" "Massachusetts," and he said, "Do you know when I came out to California I not only thought it was a fertile country but I thought there was some social and community life. There are Japanese on both sides of me and I am going back." He will not stay there and raise his family amid such environments. So this means the death of California unless it is restrained, and therefore I would not consent to the admission of 1 per cent or one-half per cent or one-fourth per cent under any scheme to mollify them. I regard them in their economic destructiveness, their competitive ability as enemies to be rejected, to keep away from as a plague of locusts, not to be compromised with but to be eliminated; and if there is any way of getting rid of those who are on the soil by a slow process and give them back their investment, it ought to be done. We stopped Chinese immigration in 1879, and the Chinese have constantly diminished. If we can stop Japanese immigration absolutely and guard our borders and prevent the importation of alleged wives for breeding purposes, they will naturally in 20 or 30 or 40 or 50 years be eliminated or disappear or go hither and thither, and the white man will have a chance to regather his strength and occupy the soil. This may affect the feelings of Japan, but America comes first.

Down in the delta lands where they said the Japanese have settled, I went there and found splendid evidences of American manhood. men who had gone out there 25 years before with blankets on their backs and had grown very wealthy and had raised fine children. While I was at a place called Walnut Grove, where 25 or 30 of them entertained me, two boys came back from the war. They dropped everything to greet these boys, and I just thought, in our next war in 20 or 30 years, if an appeal were made to rural California—and we contributed more men in proportion than any other State—what response could there possibly be? There would be no boys in rural California. They would be in the cities, they would be scattered all over the world, but they could not find support and sustenance in their own State.

Now, they talk of Bolshevism and of I. W. W.-ism, and the thought occurred to me at that time, here are these fellows who 25 years ago

came down this valley and they have made themselves rich, and they are glorified American citizens and love their country, and have contributed their sons and their money, being a part of the community and of the national life, which is the greatness and strength of the State, but if this Japanese invasion is permitted, even on the basis of those who are here now, giving them the right to acquire land by lease or by stock ownership, and a man comes down the valley with a blanket on his back looking for an opportunity to work, there is no work for him. The Japanese occupy the field. They do not employ white men. There is no chance for him in the world as there was in the early days, even to get wages. He possibly might get wages in the harbors, but he would have no foothold upon the soil, no place to rest, no home, no wife and family. There would be no opportunity for him to make a settlement in that State, and what would be the result? Naturally, in the heart of that man, if he was a generous soul, he would say: "My country is not my country. It has surrendered the soil to an alien. It has deprived me of the privilege of earning an honest livelihood."

Some one has said, "I love my State because my State loves me," but there would be no such reciprocity if the State neglected to take care of the white men who are the backbone of the country, politically, socially, and racially. If the State neglected to take care of them, they would drift necessarily into Bolshevism and I. W. W.-ism and crime and theft.

I have just got news that my barn, which cost me \$11,000, was burned the other day. It was located in a very isolated part of the field, and the I. W. W.'s have burned \$10,000,000 of such property in California in the last two or three years. They are made outlaws, I think, by the hardness of the conditions under which they are required to live, in many cases, and in other cases they are naturally vicious, and you can well imagine that if a State is abandoned to an alien race, the white people would resent it, and ultimately and certainly drift away from a love of country and turn next to resentment and then to violence and crime. So it plants the seeds of a great disease if you allow the soil which is the essential and vital thing in the State to be taken away by the alien, incapable of citizenship, incapable of assimilation, remaining permanently a foreign element; just as the human system—so the body politic—suffers by the introduction of a foreign element which ultimately brings on disease and death.

We can not isolate a foreign element in a great State and expect anything but economic and political disaster.

I feel so strongly upon this subject that I was tempted to come over here and speak to you. I do not see how possibly there can be any compromise in the matter of this immigration. We do not want any more Japanese. We want to get rid, if we can, decently, politely, and diplomatically, and by natural processes, of those who are there now.

The CHAIRMAN. Senator, I would like to ask you a question. This percentage plan, if put into effect, would do away with the Chinese exclusion. People on the Pacific coast generally feel that but for the adoption of the Chinese exclusion law those outposts would be

oriental countries now, or colonies, largely, and would they not be inclined to resent even more than the Japanese question the readmission of the Chinese in any percentage?

Senator PHELAN. The Chinese are excluded now, and we consider that a settled policy; but as between the Chinese and the Japanese, if there is any comparison to be instituted, because the Chinese are not a masterful race and are far more tractable and are quite willing to work for wages, if we had to choose between them, we would much prefer the Chinese; and the principal objection to the Chinese is their nonassimilability. They can not blend with our people and make a homogeneous race. They do not belong there, and our business is to build up, as the Australians are trying so gallantly to do, a white man's country, and any race crossing is bound to bring deterioration in the strain. We can not cross with the Japanese without bringing out in offspring the worst features of both races. It has been tried with utter failure, and nobody, I think, even contends for that, that a blended race of Mongol and Caucasian would ever be desired in America by the union of such people, no matter how benevolently inclined we might be.

A Japanese entered as a servant the house of a minister of a church out there, a friend of mine, and his daughter married the Jap, and it has been a horrible tragedy. Wherever they have united, no matter what professions of love were made, no matter if the girl were wooed by the fantastic orientalism of the Japanese, they do not live together after a year or two. They can not. There is something repulsive instead of attractive, and there is no real union, and where there have been such unions, as in that case and in other cases which I might enumerate, the offspring have been inferior. Even in the Orient, you know, those questions of crossing among people not allied closely by blood are very unfortunate. In the South we see the race problem, which is not at all of the magnitude, relatively, of the Japanese problem, because the Negro is not masterful; he is mastered. He works when he does work, and never attempts to gain possession of the soil either by lease or by ownership, and the Chinese rarely do, but they are very thrifty. This is an economic danger of the first importance; but as between the two, I think if the Chinese were denied the ownership of land, they would not seek to evade the law by circumvention. They probably would be glad to work for wages.

But that problem we consider as solved, although the doctor, I believe, has answered it by saying he would admit also a proportion of the Chinese. The demand from any source is the demand of those of narrow reason and perverted patriotism and wish the particular benefit of having the soil developed. But my position is that production must be subordinated to population. In this connection I would like to repeat that old saying of Goldsmith, because it is so truthful, especially as applied to this case:

Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay.

Wealth has accumulated under the stimulus of oriental labor, but if you go out there now and look for American communities, you

will see wasted homes and dismantled dwellings—wealth accumulates and men decay.

A member of the board of trustees of an industrial school, Dr. John Lathrop, told me that he used to go into a home opposite the school and the wife would get him a cup of tea. The father was in the field, and the girls and boys were all working in the orchard when not at school, and one day he went there and could not find them, and he found everything in a neglected condition everywhere. Upon inquiry he found that the Japs had leased the farm. The Huns of the East had come, and they had destroyed the home, but they had maintained the orchards. The statistics of California will show you a magnificent production, but when you come to analyze the producers you find a canker worm has been at work, that the white population has been supplanted by the alien, incapable of assimilation, incapable of taking up the burdens of citizenship, and hence this becomes a matter involving the very life of the State.

So I hope you gentlemen will give more attention to the population than you do to the value of the production.

MR. WELTY. Do not the Japanese, when they occupy the land, also occupy the dwelling on the land?

Senator PHELAN. Yes; they go in and occupy the dwellings, and they are not very thrifty housekeepers. They are working incessantly, with long working hours, and they have no home life. They work all the time. They have no family duties, as we understand them. They get the very last penny possible out of the soil, and move on. There is no home life on the farm. There are a lot of hovels where they sleep. They work and sleep, and then work and sleep again.

MR. RAKER. The women take their babies in the field and put them in a little corral, and then the women go out in the field and work for hours.

Senator PHELAN. Absolutely; and they carry the babies on their backs. These very young babies are carried on their backs, and then when they get old enough they toddle around.

The CHAIRMAN. If it is true that the Japanese coming in either as students or merchants or as some other permitted class are sending home for brides in considerable number and getting a foothold and bringing forth children who are American citizens, what is the remedy?

Senator PHELAN. The remedy, of course, in matters affecting immigration, is in the hands of Congress. I have referred to the land laws. This is a matter for the State. So far as intermarriage is concerned, the marriage laws are now liberal because they acknowledge that which is a valid marriage in the country from which the persons come. But they could agree to acknowledge only marriage made pursuant to ceremony, where the contracting parties are personally known to each other and personally present at the time of the marriage. That would not help very much because I do not know but that we would have to acknowledge the marriage which was sanctioned by the country whence the people came in order to maintain international relations. If Japan says a man living in San Francisco is married to a woman he has never seen, living in Tokio, I suppose

that has to be acknowledged as a marriage, although it is repugnant to all our institutions, and to our sense of common decency. But that is not a marriage because a marriage ought to be preceded by a period of wooing, by which the people may ascertain whether they are affinities for each other. Children which are the offspring of the marriages which come by reason of mutual attraction are very much better fitted physically, and hence the State is interested in seeing that the marriage relation is safeguarded.

I was told by the inspectors of the immigration station that when the girls coming over from Japan go down and peek through the doors to see the prizes they have won in the lottery of love and life, they come back with horror on their faces and say, for instance, "How old and black he is. Must I wed him?" That is not the kind of union from which you expect to breed men worthy to live in the United States and become citizens. It is against nature that a marriage of that kind should be tolerated, and yet I do not see that except by mutual understanding any plan would modify these facts and require the personal presence of and the personal acquaintance of the contracting parties and thus lay a foundation for a decent marriage. I am only concerned in making it as hard as possible so this flood of brides can be restrained. If the Jap is obliged to go back to Japan it delays the marriage and we would have less of it.

Congress, of course, by enactment of immigration laws can exclude immigrants, and I think the time is ripe and proper to do that, and we ought to provide ample appropriations for guarding the border. But, gentlemen, do not let down the bars, do not under any specious pretense let down the bars as to include orientals, because our business is to get rid of them rather than to receive any more, for the reasons I have stated.

There is no palliation; there is no possible way around that I can see. Of course the labor people are very much concerned. But they have not been so much interested because the Japanese immigration has affected the farmer, and the poor farmer is not organized. But the poor farmer has quite a gift of greed and cupidity, like other mortals, and he always feels that if the Jap comes he can sell out to the Jap and then say good bye to California. He is not tied to the earth, so there is no organized body fighting for the life of the State.

But labor is just awakening and I know all the unions in California are of one mind. Here is something I received that will give you a side light on this situation. This is a letter from the International Federation of Mechanics, addressed to me, and it says:

INTERNATIONAL ASSOCIATION OF MACHINISTS,
Richmond, Calif., March 31, 1919.

JAMES D. PHELAN. *United States Senator.*

San Francisco, Calif.

DEAR SIR: The A. T. & S. F. R. R. has at this point about 100 Japanese employed in the various crafts, machinists, painters, boiler makers, helpers, etc., whose wages range from 45 cents to 68 cents per hour and whose places we believe should be filled by men discharged from the United States Army and Navy.

Many of these Japanese took the jobs of men who either volunteered or were drafted into the Army or Navy and are holding these jobs permanently.

Will also state that these Japanese are living on Government property, getting their rent, also electric lights, water, and fuel all free; that they buy their

goods from Jap merchants in San Francisco in carload lots, get the car dead-headed and spotted at their very doors free. Yet they receive the same pay per hour as the white employees in the various crafts.

We earnestly request that you take this matter up with the United States Railroad Administration to use any other means at your command.

Respectfully,

SHOP COMMITTEE I. A. M. AND BROTHERHOOD OF BOILERMAKERS.

JOS. H. BICHAR,

JERROLD T. COAKLEY,

GEO. T. STANLEY,

A. P. GILBERT,

Sheet Metal Workers.

E. A. FOSTER,

F. L. BRYANT,

W. K. SIPLE,

PALL RAMM,

B. R. C. of A.

H. A. GILSON,

A. SCHMIDT,

Blacksmiths.

R. PACE,

JOHN ANDREWS.

P. S.—Would further state that this Jap camp is a refuge for Japs who are smuggled into this country.

They take boat from Japan to South America. Then take a coastwise boat from South America to Mexico. Are smuggled over the border and land in this camp. From here they go down into the valley and work on ranches until a certain period of time after which they are not asked regarding passports. For verification of this write Leon Michal, 523 North Fourth Street, Richmond, Calif.

JOS. H. EICHER.

That shows they are getting into the crafts. I have spoken of them only as agriculturists, but they are a wonderful people. They can build anything from a hairpin to a steam engine or a dreadnought. And that is a people who have just emerged from barbarism. They are the great factor in the world to be watched. The sore spot of the world is in the Orient, and I think our future war will be on the Pacific. When they leave the farm and invade the crafts, and show their ability, and they are not restrained, what is to become of the white mechanic? Is he going to give up his job? No; he will fight.

So, unless we legislate in time we are going to have insurrections and violence and turbulence, because we are planting the seeds of those things. As you sow ye shall reap.

The Japanese people are enjoying all these facilities, getting equal wages to-day, but at the same time they are contributing nothing to the citizenship of our country. They are a menace to our life. Therefore it is the duty of the men in Congress to rigorously exclude them and provide means for doing it. They have made contracts with Brazil and with Carranza in Mexico, and they have taken over vast tracts of land, and have established great colonies. I helped last month to check the purchase of 800,000 acres of land for \$50,000,000. The Japanese Steamship Co. was going to buy from a corporation that much land in Mexico on the border of California, in Imperial Valley, some of the most fertile land in the world. I took the matter up with the State Department, and that department notified the American owners that they could not countenance the sale. They could not stop it, but they looked upon it with disfavor, and the sale was not consummated. But this same Mexican minister

who is here now as the confidential agent of Carranza notified the owners of the property that he was going to cancel their concession. Unchecked he will turn it over to the Japanese. I think probably the Japanese and the Mexican problems will come before us some morning and will smite us with double force. I was told by a man of the highest authority that Japanese are now in Mexican oil districts and buying up American oil claims. The Japanese are pro-German and always have been, and they were watching the issues of the war very closely, before taking a stand.

Here is a matter of interest I would like to present to the committee, from the Japanese paper called Dai Nippin, of Tokoyo, of May 19. I will read this to you so you can see what their attitude is.

It goes on to tell the resentment which the Japanese feel toward the world for denying them racial equality, and there are chapters on the making of a separate peace with Germany. This does not relate directly to the subject in hand, but it may be interesting in view of the discussion in the Senate.

JAPANESE PRESS—"SLEEPING ON FIREWOOD AGAIN"—READY TO WITHDRAW FROM LEAGUE.

These are the headlines of the leading editorial in the Dai Nippon magazine of Tokoyo (May, 1919).

The word "Gwashin" in the Japanese headline is thus translated in Gubbins' Dictionary, "Literally 'sleeping on firewood'; used in the phrase taken from the Chinese classic gwa-shin shotan suyu mo, ada wo hozuru wo wasurezu, sleeping on firewood and eating gall, never for a moment forgets the duty of avenging himself on his enemy." It is evident that the writer is convinced that Japan has an "enemy" and that she must "sleep on firewood and eat gall" until she can deal with that enemy. Who the enemy is and how Japan must prepare for him is shown in the article, a translation of which follows:

"Once three nations interfered with our country. Our people slept on firewood and ate gall for 10 years. The Russian war followed. Happily, we had our revenge.

"We are now again disliked by the Powers. Our people again have occasion to sleep on firewood and eat gall. How long will such things continue in the world? Heaven knows. Earth knows. All we shall do is to proceed as we believe.

"The League of Nations aims at equality and peace among all nations. Yet it refuses to abolish race discrimination. It dares not oppose bigotry and prejudice. Of course there is no reason why our country should wear such a mask of hypocrisy and injustice or submit to such arrogance and outrage. By all means it is necessary for us, if this proposition fails, to urge our representatives at Paris to withdraw, and to take up immediately as a people the duty of preparing for revenge (sleeping on firewood and eating gall).

"In withdrawing from the league there is a natural order of procedure. While we should urge the matter again in the committee and before the league, it is not likely we shall succeed. In that case all that remains is to make a great public declaration and withdraw from the league. But before that two things might be done, (1) determine the question of peace before determining that of the league; (2) defer the conclusion of the league for several years. Our envoys should insist strenuously on this program. Among the powers probably there will be some who will respond to this. But if this does not succeed, if they proceed to the immediate determination of the league, our country, though regretfully, should make its final decision as above and withdraw from the league.

"SEPARATE PEACE WITH GERMANY.

"Withdrawal from the league would naturally involve making a separate peace. Our plenipotentiaries would immediately conclude peace with Germany, and in future, according to circumstances, an alliance should be made (with Germany). The terms of the separate peace will be extremely simple, merely

the occupation of Tsingtau and the South Sea island and an indemnity. One difficulty probably will be encountered, viz: The restraints put upon Germany by the league in connection with the transfer of her colonial possessions and other general terms. In that case we shall be involved at once in complications with the league. Probably no agreement will be possible. Here the need of determination on the part of the people (of Japan) will first be developed.

" MUST FORTIFY ISLANDS.

"Supposing we were to adhere to the league and accept its conditions, we could not fortify the South Sea islands. We would also have to accept interference with regard to Tsingtau, receiving very little advantage. Indeed it would be equivalent to abandoning it (Tsingtau). On the contrary, if we boldly oppose the league and act decisively according to our own belief Tsingtau probably will be left for us to deal with as we think best, and we can fortify the islands, too. In the end this will be more advantageous to Japan (than membership in the league)."

Then there is a chapter on fortifying the islands and preparing themselves for this world conflict, where the brown race will assert by its numerical strength and its borrowed civilization its superiority, and I believe the attitude of the Japanese toward this country is one of armed peace. I believe it is very apt to take some unexpected action at almost any time, and it is wholly unjustifiable, as I have told in my interview which has been placed in the record, because we are doing what Japan herself is doing in protecting her people against economic competition.

MR. RAKER. Was this article you read published in a Japanese newspaper?

Senator PHELAN. That is the translation of an article from a Japanese paper supposed to come from a high official.

MR. RAKER. You would like to have that in the record?

Senator PHELAN. It does not bear very strongly on the discussion, but is in point. I call the Japanese the Huns of the East because they look ahead, have a continuing policy, and dream of empire.

MR. WELTY. Is that published in this country?

Senator PHELAN. No; it is a Tokyo paper.

MR. WELTY. Have the Japanese any papers in this country?

Senator PHELAN. Yes; they have many papers in this country. I know of two published in San Francisco, and it is very interesting to follow them. I have excerpts from them from time to time. It was through that source that I learned the inside of the Colorado situation.

There is a large propaganda in this country whose headquarters are in the Woolworth Building in New York City, called the East and West Bureau, and they issue circulars from there for American consumption. But in the Japanese newspapers you get the advice of the Japanese to their own people and it is very illuminating.

The Japanese do not object to the sort of thing I have suggested because they are pursuing the same economic policy and protecting their people by denying foreigners ownership of land and excluding Chinese who work for less wages than do the Japanese themselves. I will answer them in this way: Let them put themselves in our place, and if a foreign race was about to invade their country and take the land from the people, precipitating economic ruin, they would object to it. Therefore if they put themselves in our place

they can understand our attitude, which is not one of prejudice nor hostility, but based exclusively upon the inherent right of all people to self-preservation. If they deny the premises, of course they have reason to complain; but I contend exclusion of the Japanese is necessary for the preservation of American communities on the Pacific coast.

Mr. KNUTSON. Are we to understand that Japan has exclusion laws?

Senator PHELAN. Yes; they exclude the Chinese, and within the last two or three months I have the records to show how they found 200 Chinese working in one of the shipyards and immediately deported them. They were smuggled in by the shipbuilders so that they could get laborers at 10 or 15 cents a day as against laborers at \$1 a day which was charged by the Japanese. Those Chinese were deported, and they were deported on economic grounds.

Mr. TAYLOR. Are you in favor of excluding the Japanese absolutely?

Senator PHELAN. Not only in favor of excluding the Japanese absolutely but of devising some scheme by which their number can be diminished in America, and in California, just as absolute exclusion has diminished practically the number of Chinese from year to year. I suppose there has been a shrinkage of 33 per cent of Chinese since 1879.

Somebody asked in regard to the expression of Japanese opinion. I have this from a Japanese paper published in this country. I got so much of this stuff I can not read it all, but I find something which will be of interest:

JAPANESE DEVELOPMENT BY CONCENTRATION—OPPRESSED BY WHITES WHEN SEPARATED—SHOULD MAKE PERMANENT ABODES IN UNOCCUPIED PLACES—RICH LANDS AWAITING OUR ACTIVITIES.

The above headlines of an article in the Japanese paper "Nichi-Bei" (Japanese-American News) of San Francisco, June 3, are followed by an interesting statement to the effect that rich virgin lands in Stanislaus, Merced, and Madera Counties await the coming of Japanese farmers with spade and hoe. Mr. Watanabe, chief secretary of the Japanese Chamber of Commerce of San Francisco, who has just returned from a tour of investigation, reported that the territory in question contains 10,000 acres in the center of California of the choicest land, waiting for Japanese farmers. He said that certain very influential persons (presumably Japanese) had recently bought 2,800 acres of this land and thus made a beginning for Japanese development there.

Hitherto, according to the report, Japanese have been unable to expand their holdings with sufficient rapidity because of the oppression and opposition of white men, the Japanese being too much scattered. Hereafter, it is advised, they should choose unoccupied land and concentrate their energies, thus avoiding competition and securing opportunity for expansion.

USE CITIZENS AND PARTNERSHIPS.

In order to secure the land citizens should be employed and partnerships organized, in this way making programs more secure. Permanent success could be assured in this way.

VOTES OF JAPANESE CHILDREN.

The article goes on to point out that in such a large community, the American-born Japanese will be a powerful factor politically, electing their own representatives to the legislature. The secretary regarded the outlook as ex-

ceedingly hopeful from every point of view and urged that a policy be adopted looking to the establishment of rural Japanese villages.

They are evading the law like other people.

Gentlemen, I thank you very much. If you desire any more information I will be glad to bring it to you.

Mr. TAYLOR. How many Japanese have you in California at the present time?

Senator PHELAN. There is no accurate way of determining, but all sections have an increased number of Japanese, and they are smuggling them over the border in violation of the gentlemen's agreement, because the border is not protected. I heard from a river steamboat captain—I need not mention his name—that a census was ordered a few years ago by the Japanese authorities, because that question had been raised, and they went up and down the river, in the river country where there are a great many Japanese near the State capitol at Sacramento, where two-thirds of the students in the schools are Japanese. He said it was amusing to him because they had to hire his boat and his men went on shore and they went on islands where he knew there were two or three hundred Japanese, and he said they came out with a report that there were 6 or 8 or 10 there. He said they rang a bell and waited for the Japanese to come to the door, and there would be 6 or 8 of them who would make their appearance, and they would be put down as the number of Japanese at that place. He said it was very obvious they were not looking for the complete number, and it was a false census. They were trying to hold down the number so as not to cause any alarm.

I should say there would be between 80,000 and 90,000 in California.

Mr. TAYLOR. What per cent is that of your total population?

Senator PHELAN. Of our adult population?

Mr. TAYLOR. Yes.

Senator PHELAN. I think we have a registration out there of 1,200,000. The population of the State, men, women, and children, is supposed to be about 3,200,000.

I can give you the area of the State, which is about 154,000 square miles. Take the whole population, and then take the area of the State; will we say that 80,000 people are not a menace? Certainly they are a menace, and they are progressively growing greater, and they are reproducing themselves, and they take the best lands. A very small percentage of California is this highly fertile land, a very small percentage out of the 154,000 square miles. We have mountain ranges, great waste lands; but they have taken the best lands, and they have probably one-quarter of the best land in their possession now.

Mr. TAYLOR. They have actually purchased it?

Senator PHELAN. They lease it or purchase it.

This movement is going on with alarming rapidity. It has come up to the people in the communities very hard in the last few years, since 1913, when they passed that law. They are getting possession of the land, they are wonderful producers, they are making lots of money and they are swelling the State statistics. It is a matter of pride to see what a wonderful country we have under intensive cultivation. My point is that it is of no value to us if the white population is destroyed.

MR. KNUTSON. When they settle in any large numbers in a community, they drive all the white people out?

Senator PHELAN. Absolutely; they go right through like a plague. They go into a very desirable residence district in San Francisco and everybody else moves out. There is no assimilation.

We have had this race problem for 50 years in California. If there is any way of putting them on an equality in all respects, we would do it; we treat them with the utmost respect. The Japanese diplomatic officers and consuls are splendid fellows, and are highly cultivated. We have no race prejudice. It is an economic proposition because the races are nonassimilable, and we can never have that equality.

A democracy is founded on equality, but there can be no equality when there can not be, ultimately, intermarriage among the people of a community. It goes to the very foundation of our American institutions, and in a country like ours, where the Government consists of the voice of the people, if we deteriorate the people by bringing them against impossible competition we destroy the factors for making the Union great and strong. We must have our first consideration for the quality of our population, and we must rigorously exclude those who do not understand, who refuse to understand American institutions and blend with us.

MR. KNUTSON. When Japan has an exclusion law against the Chinese she should not object to our having an exclusion law against Japanese?

Senator PHELAN. No. She has no diplomatic objection to make, in view of that fact.

I think the situation is highly favorable now for action and that principle has been established, unquestionably, in international law, and also in the peace conference, that immigration is a domestic question, and if you believe what I said, it is a very grave menace. It is our duty to exclude the Japanese for economic reasons. Their competition is deadly and their nonassimilability established. Heretofore the Japanese have objected to the discrimination, but God made them so, and it is in the nature of things. If we were to swallow them and could assimilate them as an American community, it would be well and good, but we can not do it. They therefore should not complain except against the decrees of nature.

They complain against the high standards we have established for labor, against the leisure we try to give our people, with eight hours of work, eight hours of play, and eight hours of rest, with theaters and churches and healthy surroundings, and with a frolic in the country and in the park. Our people are demanding more and more some of the joys of life, but this sort of competition absolutely precludes that.

MR. KNUTSON. The tendency in this country is toward a shorter labor day rather than a longer day?

Senator PHELAN. Certainly.

MR. KNUTSON. If we were thrown in competition with those people there would be an opposite tendency?

Senator PHELAN. I think it is very astonishing the way they are invading the crafts. That will attract the attention of the American Federation of Labor. These men are capable of entering the crafts,

and they are allowing one of them to sit in the convention of the American Federation of Labor, although he is down there as a nonvoting member, and some of the members were discussing the question.

Mr. WELTY. You mean at Atlantic City?

Senator PHELAN. Yes; there was a Japanese sitting with them. They are invading every circle. I said to one of the members of the federation, "What is that man doing?" He said, "We are watching him. He is seeking information for the purpose of organizing the labor of Japan, but we doubt his sincerity."

Mr. WHITE. The Japanese, I gather, do not show any strong disposition, generally, to adopt American standards or maintain those standards of living?

Senator PHELAN. No; they unfortunately do not. The men working in the fields live on little or nothing. Their diet is very sparse, and their house is a hovel. But as they acquire money, in the cities, you will see them dressing better, looking better, and living better, and those are the men who have made their money, and they are engaged in commercial business in the cities, where they sell to their nationals. But the laborer in the field is abandoned wholly to incessant work and does not have any social betterment at all.

Mr. KNUTSON. What is the average size of a Japanese family in America? Have you any statistics on that?

Senator PHELAN. I have no statistics. I understand, however, that they are very prolific, and to a very great extent because of the large importation of these women, the business of breeding has just begun, and you will see the little Japanese, no end of children, of all ages. These statistics show that in 1906 there were only 317 births, while last year there were over 4,000. To be exact, in 1906 there were 317, while in 1917 there were 4,108 births.

The CHAIRMAN. Senator, the committee is very much indebted to you for the time you have given us and for your statement.

Senator PHELAN. Thank you very much, Mr. Chairman.

Mr. RAKER. Are you in any way familiar with the program of the Federal Council of Churches and the committee of 1,000, known as the National Committee for Constructive Immigration Legislation, which program is set out in the proposed bill which has been presented to the committee by Dr. Gulick?

Senator PHELAN. No; I have no knowledge of that organization.

Mr. RAKER. You have not had time to go into the methods of the organization, as to what they are doing, or where they are getting their finances?

Senator PHELAN. I know the Japanese Government itself is financing many of these movements in the interest of the Japanese. They are deeply concerned in a desire to maintain this colony which is tributary to the fatherland. I have evidence in a letter which I could possibly produce, showing that the Japanese Government had an agent in this country and he reported to them all these activities. But there is no use of connecting up the Japanese Government with this. I think it is generally understood that the leading men of Japan are all behind the Japanese propaganda, which has been very extensive in this country, and I believe very successful. I do not know that we should involve the Japanese Government in that matter at all.

But when you mentioned that association and other associations, I know the propaganda is officially countenanced. They are seeking certain things, and this is one of them. They are seeking other things in California, and other things in Colorado. But I think the only thing necessary to defeat that is to give an intelligent explanation for the reason for our laws, which are not based upon prejudice.

Mr. WELTY. You do not mean to infer by your answer that the Federal Council of Churches is receiving money from Japanese sources?

Senator PHELAN. I do not know anything about it. I will tell you this, that they might receive money without knowing it. I will give you an example of that sort of thing.

There was a great banquet organized in San Francisco for the reception of the Japanese financial commission. They sent over five or six commissions during the war. They were unlike the other countries; they were not content with one or two commissions, but they sent five or six. This was a financial commission to spy out the land, and I was invited to be present and to make an address. But I declined, saying I had an engagement at another place.

The banquet was supposed to be given by the Japanese Society of America, consisting of a number of Americans. They had a long list of names.

Not content with my declination, they went to the friend who had invited me to dinner and got him to ask me to cancel it in order that I might attend the banquet. I had said as diplomatically as I could, "I regret exceedingly that I have another engagement," but they canceled that engagement and it was up to me whether I should go or not, and I said, "I will go, in view of all the circumstances, but I will not speak." So I was the only man at the speaker's table who did not speak. I was curious to see how they tackled the problem.

In that room, which was perfectly decorated, were the best people in San Francisco, seated at the tables. I asked some of them afterwards whether they paid for their dinner, which was a very elaborate dinner. They said, "No; we were invited here." I said, "Are you a member of the Japanese Society?" They said, "No; we are not members."

I said this is extraordinary. This is supposed to be a tribute of the California members of the Japanese Society to the visiting members of the commission. Somebody on the inside told me that they had no funds that were not contributed by Japanese; that there was practically no American association which contributed funds; that these people attended the banquet as invited guests, and that they did not believe the visiting guests were under any illusion as to the character of the entertainment.

In other words, the Japanese were entertaining themselves. They brought by that very attractive means to a beautiful banquet the very best people of San Francisco, and thus prepared their receptive ears for justifications of Japan's policy throughout the world, and the love of the Japanese particularly for the United States. It is the love very much like the love of the calculating and indiscreet lover who said, "I love the very ground her father owns."

